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**Hearing Date and Time: April 13, 2010 at 10:00 a.m.**

*Attorneys for Irving H. Picard, Esq., Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF TRUSTEE'S FILING OF THIRD AMENDED & RESTATED ASSET PURCHASE AGREEMENT WITH SURGE TRADING INC. F/K/A CASTOR POLLUX SECURITIES, INC.**

Irving H. Picard, (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") and the estate of Bernard L. Madoff ("Madoff") (collectively, "Debtor"), by and through his undersigned counsel,

in connection with the scheduled hearing on his motion (the “Motion”)<sup>1</sup> filed with this Court on March 30, 2010 [DN 2116] seeking entry of an order, pursuant to sections 105 and 363 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”), authorizing the Trustee’s entry into a Third Amended and Restated Asset Purchase Agreement (the “Amended Agreement”) with Surge Trading Inc., formerly known as Castor Pollux Securities, Inc. (the “Purchaser”), hereby attaches to this Notice as **Exhibit A**, the form of the proposed Amended Agreement (the “APA”) and as **Exhibit B**, a detailed comparison of the APA against the Second Amended and Restated Asset Purchase Agreement dated April 29, 2009, which was approved by this Court by Order dated, April 30, 2009.

Dated: New York, New York  
April 12, 2010

Respectfully submitted,

/s/ Marc Hirschfield  
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*Attorneys for Irving H. Picard, Esq.,  
Trustee for the SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings given such terms in the Motion.